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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,064	03/11/2004	Raj Bridgelall	022.0035 (1679)	6744

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EXAMINER

HOLLOWAY III, EDWIN C

ART UNIT	PAPER NUMBER
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2612

MAIL DATE	DELIVERY MODE
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10/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/799,064

Applicant(s)

BRIDGELALL, RAJ

Examiner

Edwin C. Holloway, III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 11-36, 38, 40 and 41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-36 and 38 is/are rejected.
- 7) ☒ Claim(s) 1-6, 11, 12, 40 and 41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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EXAMINER'S RESPONSE

1. In response to applicant's amendment filed 7-23-07, the amendment has been entered. The examiner has considered the new presentation of claims and applicant's arguments in view of the disclosure and the present state of the prior art.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 13, 15-18, 23-26, and 28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grego (WO 02/096032) in combination with Kotola (US 6892052), Strong (US 20030007473A1) and Mahany (US005960344A).

Grego discloses a mobile device (T) with network transceiver Bluetooth transceiver for communicating base station (access point) transceiver BTS and Bluetooth transceiver (BTB). The Bluetooth channel is used when the normal channel is unavailable. This allow traffic diversion. See the abstract and pages 7-8. Grego lacks RFID.

Kotola disclose an access point and mobile device and with network, Bluetooth and RFID transceivers. This allows connection with an access device using RFID. See cols. 1-4. The access point RFID transceiver 110/805 can communicate with RFID tag 215/803 on mobile device 102 to receive predetermined

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data such as Bluetooth ID, clock offset or other optional parameters or data stored in the RFID tag memory. This information is sent via RFID to skip Bluetooth inquiry and shorten session setup. The tag may be active to provide increased range and data rate in col. 4 line 61 - col. 5 line 5.

Strong discloses an analogous art system with access points have integrated wireless LAN (802.11, Bluetooth, etc.) and RFID tag interrogators in paragraphs 0041-0048. The integration can also include relatively simple sensors to read RFID beaconing tags that periodically transmit datagrams in paragraphs 0178-0179. Interrogation is not required for active beacon tags that periodically transmit. The tag can transmit LPS RFID signals or WLAN signals in par. 0086. The tag can communicate with multiple interrogators / access points is disclosed in paragraph 0170 and fig. 7. Further, tags may communicate with WLAN access points and LPS access points in fig. 2. Multiple access points with multiple antennas are included in fig. 2 to increase coverage

Mahany discloses an analogous art communication system with access points including multiple transceivers and mobile units with multiple transceivers, to provide multiple channels and protocols. The mobile units are configured to communicate with the various access points using either transceiver as the unit

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roams thru the system. A transceiver is selected depending on system conditions and configurations such as cell traffic, required data rate and other factors. See cols. 11-12 and figs. 9-10.

Regarding claims 13, 15-18, 23-26, and 28-33, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Grego the RFID of Kotola as an alternative or addition to cellular/Bluetooth to allow communication with a mobile terminal and access point using RFID. Alternatively it to have included in Kotola the channel switching based on availability or traffic load disclosed in Kotola for traffic diversion.

The systems of Strong shows multiple access points for increased coverage. Although , Kotola and Grego only show one access point, multiple access point would have been obvious as disclosed in Mahany for increased coverage and suggested by the "cellular" network of Grego. The transceivers in each mobile unit would obviously have been configured to communicate with the plural access points as disclosed in Mahany for communication in covered areas using access points and transceivers based on conditions such as cell traffic and desired data rate suggested by deviating traffic in Grego. The combination is further suggested by Mahany including scanners

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and Strong disclosing multiple access points with overlap for locating and WLAN communication coverage.

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grego (WO 02/096032), Kotola (US 6892052) and Strong (US 20030007473A1) Mahany (US005960344A) as applied above and further in view of Korcharz (US 20040236967A1)

Power over Ethernet for the access point would have been obvious in view of Korcharz disclosing this in paragraph 0002 for advantages such as avoiding power cabling.

5. Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grego (WO 02/096032), Kotola (US 6892052) and Strong (US 20030007473A1) Mahany (US005960344A) as applied above and further in view of Werb (US006150921A).

Werb discloses an analogous art system similar to Strong with remote antennas connected to access points by coax cable and switch in cols. 4 and 10 to communicate DC power and RF signals for extended coverage.

Connection to remote antennas by coax cable and switch would have been obvious in view of Werb disclosing antennas connected to access points by coax cable to communicate DC power and RF signals for extended coverage and suggested by the antennas connected by cables in Strong.

6. Claim 27 are rejected under 35 U.S.C. 103(a) as being

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unpatentable over Grego (WO 02/096032), Kotola (US 6892052) and Strong (US 20030007473A1) Mahany (US005960344A(as applied above and further in view of Lee'705 (US006909705B1).

Lee'705 discloses an analogous art system with cellular transceivers and Bluetooth piconet transceivers to allow the cellular system to offload some users to the Bluetooth system similar to Grego. Lee'705 includes the piconets extend outside the cell coverage area to provide increased coverage. See fig. 1, col. 3 line 31 - col. 4 line 16 and col. 5 line 55 - col. 6 line 6.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the combination applied above an RFID antenna outside the range of at least one wireless antenna in view of Lee'705 disclosing Bluetooth piconets outside the range of a cell to increase coverage and Kotola disclosing RFID associated with Bluetooth.

7. Claims 34-36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grego (WO 02/096032), Kotola (US 6892052) and Lee'817 US 20040039817 A1.

Grego discloses a mobile device (T) with network transceiver Bluetooth transceiver for communicating base station (access point) transceiver BTS and Bluetooth transceiver (BTB). The Bluetooth channel is used when the normal channel is

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unavailable. This allow traffic diversion. See the abstract and pages 7-8. Grego lacks RFID.

Kotola disclose an access point and mobile device and with network, Bluetooth and RFID transceivers. This allows connection with an access device using RFID. See cols. 1-4. The access point RFID transceiver 110/805 can communicate with RFID tag 215/803 on mobile device 102 to receive predetermined data such as Bluetooth ID, clock offset or other optional parameters or data stored in the RFID tag memory. This information is sent via RFID to skip Bluetooth inquiry and shorten session setup. The tag may be active to provide increased range and data rate in col. 4 line 61 - col. 5 line 5,

Lee'817 discloses access points that respond to a probe request by transmitting a probe response with an indication of channel loading to a wireless station. The wireless stations could then select a channel that is not busy. See the abstract and paragraphs 0006-0012

Regarding claims 34-36 and 38, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Grego the RFID of Kotola as an alternative or addition to cellular/Bluetooth to allow communication with a mobile terminal and access point using RFID. Alternatively it to have included in Kotola the channel

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switching based on availability or traffic load disclosed in Kotola for traffic diversion.

It further would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the combination applied above probe request and response of Lee'817 to indicate a busy channel to provide the traffic diversion of Grego and suggested by Kotola disclosing that the invention applies to 802.11 WLAN and other standards. Regarding the predetermined transmissions of claims 34 and 38, the beacon data of Strong includes status and/or Kotola includes optional parameters such as clock offset sent by RFID to skip Bluetooth inquiry and therefore not sent by Bluetooth. These signals are one of updates, configurations, status, and monitoring.

Allowable Subject Matter

1. Claims 1-6, 11-12 and 40-41 are allowed in response to applicant's arguments filed 7-23-07.

Response to Arguments

2. Applicant's arguments with respect to claims 13-36 and 38, filed 7-23-07 have been considered but are not persuasive.

Regarding claims 13-33, applicant argues that the prior art lacks the capability to communicate with two access points because the combination with Mahoney would result the mobile unit using the wireless transceiver and /or the RFID transceiver

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to send data on the same, nearest (or most available) access point. The examiner disagrees because the claim only requires the capability of the wireless transceiver to communicate with a first access point and capability of the RFID transceiver to communicate with a second access point that would be provided when wireless transceiver communicates with a first access point that is in range of the mobile unit and then the mobile unit roams to a location where the RFID transceiver communicates to a second access point in range of the mobile unit. Further, Mahany discloses different transceivers operating on different channels where the different channels have different loads and different ranges making different access points available. Further, Strong discloses a mobile unit communicating with two interrogator devices that may each be access points with WLAN transceiver in par. 0170 and 0178 so that the mobile device communicates with two access points.

Regarding claims 34-36 and 38, the argument that the prior art lacks the "or if the data to be transferred is one of a set of predetermined transmission..." is not persuasive because this limitation is claimed in the alternative and need not be given weight. The argument that the prior art lacks transferring data to RFID transceiver or wireless transceiver based on data type is not persuasive because this limitation is not required by the

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claims. Further, communicating predesignated data by RFID transceiver would have been obvious in view of Kotola disclosing communicating information via RFID transceiver to skip Bluetooth inquiry and shorten session setup.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (571) 272-3058. The examiner can normally be reached on M-F from 9:00 to 5:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman, can be reached on (571) 272-3059.

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The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EH
9/30/07
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PRIMARY EXAMINER
ART UNIT 2612